

Executive Summary – Enforcement Matter – Case No. 51767
Enterprise Products Operating LLC
RN102528197
Docket No. 2016-0100-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Enterprise Pasadena Plant, 1500 North South Street, Pasadena, Harris County

Type of Operation:

Petrochemical storage plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 5, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$40,950

Amount Deferred for Expedited Settlement: \$8,190

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$16,380

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$16,380

Name of SEP: Barbers Hill Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 2, 2015 through November 24, 2015

Date(s) of NOE(s): January 14, 2016

Executive Summary – Enforcement Matter – Case No. 51767
Enterprise Products Operating LLC
RN102528197
Docket No. 2016-0100-AIR-E

Violation Information

1. Failed to comply with the maximum allowable emission rates ("MAER") for the Marine Vapor Combustor System Loading, Emission Point Number ("EPN") VCSTK. Specifically, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 1.77 pounds per hour ("lbs/hr") by 0.06 lb/hr during a stack test conducted on October 28, 2011, resulting in the unauthorized release of 754.56 lbs of NOx emissions from October 28, 2011 to May 22, 2012 and from February 3, 2013 to December 17, 2013 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 7278, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01429, Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MAER for Boiler 2, EPN BLR-2. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 0.73 lb/hr by 0.54 lb/hr during a stack test conducted on October 4, 2011, resulting in the unauthorized release of 6,441.12 lbs of VOC emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 7278, SC No. 1, FOP No. 01429, STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On February 12, 2013, conducted a stack test on EPN BLR-2 demonstrating compliance with the VOC MAER; and
- b. On December 17, 2013, obtained a permit amendment for NSR Permit No. 7278 to increase the NOx emissions rate for EPN VCSTK.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 51767
Enterprise Products Operating LLC
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Docket No. 2016-0100-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Raimé Hayes-Falero, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3567; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Robert E. Moss, Vice President-Houston Region Operations, Enterprise Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580
Jon Fields, Director, Enterprise Products Operating LLC, P.O. Box 573, Mont Belvieu, Texas 77580

Respondent's Attorney: N/A

Attachment A
Docket Number: 2016-0100-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Penalty Amount:	Thirty-Two Thousand Seven Hundred Sixty Dollars (\$32,760)
SEP Offset Amount:	Sixteen Thousand Three Hundred Eighty Dollars (\$16,380)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Energy Efficiency Building Upgrade/Retrofit Project</i>
Location of SEP:	Chambers County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Barbers Hill Independent School District** for the *Energy Efficiency Building Upgrade/Retrofit Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to pay a contractor to install and monitor sub-meters. The contractor's work will include installing revenue grade electric sub-meters in the line feed of certain facilities; installing revenue grade current transformers; incorporating all engineering, software, and graphics to accomplish effective monitoring of the status of this equipment; and a one-year warranty including parts and labor for the new sub-meters. In addition to sub-metering, the Third-Party Administrator shall use the SEP Offset Amount to pay its contractor to monitor, calibrate, and repair existing meters and to complete energy efficiency upgrades and/or retrofits based on needs identified in energy audits. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

Enterprise Products Operating LLC
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The Project will result in reduced energy consumption by school district buildings and will contribute to the overall reduction of greenhouse gases. The sub-metering is expected to reduce energy consumption up to eight percent. The Project will reduce fuel and electricity usage for heating and cooling and day-to-day operations. These reductions will reduce emission of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity. It will also contribute to a reduction in peak loads on the State electric power grid.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Barbers Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 4 (April 2014)

Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

DATES	Assigned	20-Jan-2016	Screening	21-Jan-2016	EPA Due	12-Jul-2016
	PCW	21-Jan-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	Enterprise Products Operating LLC		
Reg. Ent. Ref. No.	RN102528197		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	51767	No. of Violations	2	
Docket No.	2016-0100-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Jennifer Nguyen	
		EC's Team	Enforcement Team 5	
Admin. Penalty \$ Limit Minimum		\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$48,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **9.0%** Adjustment **Subtotals 2, 3, & 7** **\$4,387**

Notes: Enhancement for one NOV with same/similar violations and five NOVs with dissimilar violations. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$12,187**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$875
Estimated Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$40,950**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$40,950**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$40,950**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$8,190**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$32,760**

Screening Date 21-Jan-2016

Docket No. 2016-0100-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 4 (April 2014)

Case ID No. 51767

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102528197

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 9%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations and five NOVs with dissimilar violations.
Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 9%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 9%

Screening Date 21-Jan-2016

Docket No. 2016-0100-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 4 (April 2014)

Case ID No. 51767

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102528197

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 7278, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1429, Special Terms and Conditions ("STC") No. 12, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the maximum allowable emission rates ("MAER") for the Marine Vapor Combustor System Loading, Emission Point Number ("EPN") VCSTK. Specifically, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 1.77 pounds per hour ("lbs/hr") by 0.06 lb/hr during a stack test conducted on October 28, 2011, resulting in the unauthorized release of 754.56 lbs of NOx emissions from October 28, 2011 to May 22, 2012 and from February 3, 2013 to December 17, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 7

524 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$26,250

Seven quarterly events are recommended from October 28, 2011 stack test to May 22, 2012 and from February 3, 2013 to the December 17, 2013 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction \$6,562

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent completed corrective measures on December 17, 2013, before the January 14, 2016 Notice of Enforcement ("NOE").

Violation Subtotal \$19,688

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$535

Violation Final Penalty Total \$22,051

This violation Final Assessed Penalty (adjusted for limits) \$22,051

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC

Case ID No. 51767

Reg. Ent. Reference No. RN102528197

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	28-Oct-2011	17-Dec-2013	2.14	\$535	n/a	\$535
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a permit amendment for NSR Permit No. 7278 to increase the NOx emissions rate for EPN VCSTK. The Date Required is the initial date of non-compliance. The Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$535

Screening Date 21-Jan-2016

Docket No. 2016-0100-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 4 (April 2014)

Case ID No. 51767

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102528197

Media [Statute] Air

Enf. Coordinator Jennifer Nguyen

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 7278, SC No. 1, FOP No. O1429, STC No. 12, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER for Boiler 2, EPN BLR-2. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 0.73 lb/hr by 0.54 lb/hr during a stack test conducted on October 4, 2011, resulting in the unauthorized release of 6,441.12 pounds of VOC emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 6

497 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$22,500

Six quarterly events are recommended from the October 4, 2011 stack test to the February 12, 2013 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction \$5,625

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on February 12, 2013, before the January 14, 2016 NOE

Violation Subtotal \$16,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$340

Violation Final Penalty Total \$18,900

This violation Final Assessed Penalty (adjusted for limits) \$18,900

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC

Case ID No. 51767

Reg. Ent. Reference No. RN102528197

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	4-Oct-2011	12-Feb-2013	1.36	\$340	n/a	\$340

Notes for DELAYED costs

Estimated cost to conduct a stack test on EPN BLR-2. The Date Required is the initial date of non-compliance. The Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$340

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603211277, RN102528197, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN603211277, Enterprise Products Operating LLC	Classification:	SATISFACTORY	Rating:	1.62
Regulated Entity:	RN102528197, ENTERPRISE PASADENA PLANT	Classification:	SATISFACTORY	Rating:	0.65
Complexity Points:	25	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	1500 N SOUTH ST PASADENA, HARRIS COUNTY, TEXAS				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 72000
AIR NEW SOURCE PERMITS PERMIT 7245
AIR NEW SOURCE PERMITS PERMIT 8291
AIR NEW SOURCE PERMITS REGISTRATION 11723
AIR NEW SOURCE PERMITS REGISTRATION 42738
AIR NEW SOURCE PERMITS REGISTRATION 44422
AIR NEW SOURCE PERMITS REGISTRATION 44568
AIR NEW SOURCE PERMITS REGISTRATION 45853
AIR NEW SOURCE PERMITS REGISTRATION 48454
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HX0055V
AIR NEW SOURCE PERMITS REGISTRATION 52917
AIR NEW SOURCE PERMITS REGISTRATION 55244
AIR NEW SOURCE PERMITS REGISTRATION 70491
AIR NEW SOURCE PERMITS REGISTRATION 72916
AIR NEW SOURCE PERMITS REGISTRATION 83219
AIR NEW SOURCE PERMITS REGISTRATION 87793
AIR NEW SOURCE PERMITS REGISTRATION 101968
AIR NEW SOURCE PERMITS REGISTRATION 125968
AIR NEW SOURCE PERMITS REGISTRATION 111561
AIR NEW SOURCE PERMITS REGISTRATION 110031
AIR OPERATING PERMITS PERMIT 1429

STORMWATER PERMIT TXR05AA28

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HX0055V

WASTEWATER EPA ID TX0131768

AIR NEW SOURCE PERMITS REGISTRATION 1294
AIR NEW SOURCE PERMITS PERMIT 7278
AIR NEW SOURCE PERMITS REGISTRATION 10784
AIR NEW SOURCE PERMITS REGISTRATION 36103
AIR NEW SOURCE PERMITS REGISTRATION 43620
AIR NEW SOURCE PERMITS REGISTRATION 44421
AIR NEW SOURCE PERMITS REGISTRATION 45224
AIR NEW SOURCE PERMITS REGISTRATION 45947
AIR NEW SOURCE PERMITS REGISTRATION 50296
AIR NEW SOURCE PERMITS REGISTRATION 52374
AIR NEW SOURCE PERMITS REGISTRATION 53874
AIR NEW SOURCE PERMITS AFS NUM 4820101459
AIR NEW SOURCE PERMITS REGISTRATION 52980
AIR NEW SOURCE PERMITS REGISTRATION 82784
AIR NEW SOURCE PERMITS REGISTRATION 87581
AIR NEW SOURCE PERMITS REGISTRATION 85684
AIR NEW SOURCE PERMITS REGISTRATION 105799
AIR NEW SOURCE PERMITS REGISTRATION 135762
AIR NEW SOURCE PERMITS REGISTRATION 124890
AIR OPERATING PERMITS ACCOUNT NUMBER HX0055V
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 84331
STORMWATER PERMIT TXR05AW43
WASTEWATER PERMIT WQ0004867000

POLLUTION PREVENTION PLANNING ID NUMBER P08451

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: January 22, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 22, 2011 to January 22, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jennifer Nguyen

Phone: (512) 239-6160

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 21, 2011	(918523)
Item 2	April 25, 2011	(931773)
Item 3	May 24, 2011	(940267)
Item 4	June 22, 2011	(947629)
Item 5	July 21, 2011	(954895)
Item 6	October 25, 2011	(973549)
Item 7	December 27, 2011	(986530)
Item 8	January 24, 2012	(992909)
Item 9	February 22, 2012	(1000254)
Item 10	March 22, 2012	(1005759)
Item 11	April 23, 2012	(1012309)
Item 12	May 21, 2012	(1018716)
Item 13	June 25, 2012	(1026442)
Item 14	July 23, 2012	(1033780)
Item 15	August 20, 2012	(1040323)
Item 16	September 26, 2012	(1049311)
Item 17	October 22, 2012	(1071018)
Item 18	November 26, 2012	(1071019)
Item 19	December 27, 2012	(1071020)
Item 20	January 23, 2013	(1083794)
Item 21	February 22, 2013	(1083793)
Item 22	March 25, 2013	(1091625)
Item 23	April 22, 2013	(1097973)
Item 24	May 23, 2013	(1182871)
Item 25	June 27, 2013	(1182873)
Item 26	July 23, 2013	(1119539)
Item 27	August 21, 2013	(1127275)
Item 28	September 25, 2013	(1131801)
Item 29	October 21, 2013	(1137570)
Item 30	November 26, 2013	(1142983)
Item 31	December 23, 2013	(1149392)
Item 32	January 21, 2014	(1155496)
Item 33	February 20, 2014	(1162823)
Item 34	March 19, 2014	(1169413)
Item 35	April 17, 2014	(1176616)
Item 36	May 19, 2014	(1182872)
Item 37	May 21, 2014	(1152713)
Item 38	June 19, 2014	(1189738)
Item 39	July 17, 2014	(1177348)
Item 40	September 19, 2014	(1208030)
Item 41	October 17, 2014	(1214433)
Item 42	December 17, 2014	(1226516)

Item 43	April 14, 2015	(1257767)
Item 44	May 18, 2015	(1264543)
Item 45	June 16, 2015	(1271616)
Item 46	October 20, 2015	(1298638)
Item 47	November 17, 2015	(1304090)
Item 48	November 18, 2015	(1289937)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 01/31/2015 (1244485) CN603211277
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 02/28/2015 (1250881) CN603211277
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 06/30/2015 (1279173) CN603211277
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 07/31/2015 (1285394) CN603211277
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 08/05/2015 (1254808) CN603211277
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 15A OP
FOP Special Term and Condition 1A OP
NSR Special Condition PERMIT
Description: Failure to maintain Carbon Monoxide (CO) emission rate in pounds per hour (lb/hr) below the maximum allowable emissions rates for Boilers 1 and 2 (EPNs: BLR-1 and BLR-2). (Category C4)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.305(e)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 19D PERMIT
Special Term and Condition 15A OP
Special Term and Condition 1A OP
Description: Failure to maintain the Carbon Monoxide (CO) emissions concentration below the limits for Boilers 1 and 2 (EPNs: BLR-1 and BLR-2). (Category C4)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 15A OP
NSR Special Term and Condition 1 PERMIT
Description: Failure to maintain Nitrous Oxide (NOx) emission rates below the maximum allowable emissions rates for Boiler 1 (EPN: BLR-1). (Category C4)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.305(e)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 1A OP

NSR Special Condition 19D PERMIT
Special Term and Condition 15A OP

Description: Failure to maintain Nitrogen Oxides (NOx) emission rates in pounds per million British thermal units (lb/MMBtu) below the limits for Boilers 1 and 2 (EPNs: BLR-1 and BLR-2). (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR Special Condition 25E PERMIT
Special Term and Condition 15A OP
Special Term and Condition 1A OP

Description: Failure to maintain a plug on two open ended lines (EPN: E TNK FUG). (Category C10)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 15A OP
NSR Special Condition 7A PERMIT
Special Term and Condition 1A OP

Description: Failure to maintain the temperature of the Marine Vapor Combustor System (MVCS) combustion chamber (EPN: VSTK) temperature above the limit. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216(1)(A)(iv)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 15A OP
FOP Special Term and Condition 1A OP
NSR Special Condition 27 PERMIT

Description: Failure to record the Marine Vapor Combustor System (MVCS) combustion chamber (EPN: VSTK) temperature. (Category C3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 15A OP
FOP Special Term and Condition 1A OP
NSR Special Condition 6C PERMIT

Description: Failure to operate the HA-3 Flare (EPN: A-D-1) with no visible emissions for more than five minutes in any two-hour period. (Category C4)

6 Date: 08/31/2015 (1292475) CN603211277

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 11/22/2010 (789357)

Disclosure Date: 05/19/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7

Description: Failure to submit NSPS Subpart Db monitoring report data.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart A 60.18

Description: Failed to conduct the initial flare performance test.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8

Description: Failure to demonstrate initial compliance with Boiler emission limits. The initial performance test conducted in 2009 did not pass.

Notice of Intent Date: 09/23/2011 (968681)

No DOV Associated

Notice of Intent Date: 11/06/2013 (1132698)

Disclosure Date: 04/28/2014

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT WQ0004867000, Other Requirements 10

Description: Failed to include the parameter Cyanide on the discharge monitoring reports for Outfall 001.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT WQ0004867000, Other requirements 3

Description: Failed to notify the TCEQ at least 45 days prior to the first anticipated discharge of a relocated outfall (Outfall 001).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216(4)(A)(iii)

Description: Failed to maintain daily records of the conditions of tanks prior to being loaded and daily records of prior cargo carried by the marine vessel.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS
OPERATING LLC
RN102528197

§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2016-0100-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical storage plant located at 1500 North South Street in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about January 19, 2016.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Forty Thousand Nine Hundred Fifty Dollars (\$40,950) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixteen Thousand Three Hundred

Eighty Dollars (\$16,380) of the administrative penalty and Eight Thousand One Hundred Ninety Dollars (\$8,190) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Sixteen Thousand Three Hundred Eighty Dollars (\$16,380) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On February 12, 2013, conducted a stack test on Emission Point Number ("EPN") BLR-2 demonstrating compliance with the volatile organic compounds ("VOC") maximum allowable emission rates ("MAER"); and
 - b. On December 17, 2013, obtained a permit amendment for New Source Review ("NSR") Permit No. 7278 to increase the nitrogen oxides ("NOx") emissions rate for EPN VCSTK.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the MAER for the Marine Vapor Combustor System Loading, EPN VCSTK, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 7278, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01429, Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH &

SAFETY CODE § 382.085(b), as documented during a record review conducted from November 2, 2015 through November 20, 2015. Specifically, the Respondent exceeded the NOx MAER of 1.77 pounds per hour ("lbs/hr") by 0.06 lb/hr during a stack test conducted on October 28, 2011, resulting in the unauthorized release of 754.56 lbs of NOx emissions from October 28, 2011 to May 22, 2012 and from February 3, 2013 to December 17, 2013.

2. Failed to comply with the MAER for Boiler 2, EPN BLR-2, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 7278, SC No. 1, FOP No. 01429, STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted from November 3, 2015 through November 24, 2015. Specifically, the Respondent exceeded the VOC MAER of 0.73 lb/hr by 0.54 lb/hr during a stack test conducted on October 4, 2011, resulting in the unauthorized release of 6,441.12 lbs of VOC emissions.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2016-0100-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Sixteen Thousand Three Hundred Eighty Dollars (\$16,380) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



9.22.14

For the Executive Director

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



May 3, 2016

Signature

Date

Robert E. Moss

Vice President - Houston Region Operations

Name (Printed or typed)

Title

Authorized Representative of
Enterprise Products Operating LLC

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2016-0100-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Penalty Amount:	Thirty-Two Thousand Seven Hundred Sixty Dollars (\$32,760)
SEP Offset Amount:	Sixteen Thousand Three Hundred Eighty Dollars (\$16,380)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Energy Efficiency Building Upgrade/Retrofit Project</i>
Location of SEP:	Chambers County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Barbers Hill Independent School District** for the *Energy Efficiency Building Upgrade/Retrofit Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to pay a contractor to install and monitor sub-meters. The contractor's work will include installing revenue grade electric sub-meters in the line feed of certain facilities; installing revenue grade current transformers; incorporating all engineering, software, and graphics to accomplish effective monitoring of the status of this equipment; and a one-year warranty including parts and labor for the new sub-meters. In addition to sub-metering, the Third-Party Administrator shall use the SEP Offset Amount to pay its contractor to monitor, calibrate, and repair existing meters and to complete energy efficiency upgrades and/or retrofits based on needs identified in energy audits. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

Enterprise Products Operating LLC
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The Project will result in reduced energy consumption by school district buildings and will contribute to the overall reduction of greenhouse gases. The sub-metering is expected to reduce energy consumption up to eight percent. The Project will reduce fuel and electricity usage for heating and cooling and day-to-day operations. These reductions will reduce emission of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity. It will also contribute to a reduction in peak loads on the State electric power grid.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Barbers Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.